

**Minutes for the Seminole County Board of Adjustment
TUESDAY, DECEMBER 16, 2003
6:00 P.M.**

Members Present: Mike Hattaway, Dan Bushrui, Alan Rozon and Mike Bass

Staff Present: Earnest McDonald, Principal Coordinator, J. V. Torregrosa, Planner, Kathy Fall, Senior Planner, Rich Steiger, Planner, Kent Cichon, Financial Manager

The Chairman called the meeting to order at 6:00 P.M. Mr. Hattaway then explained the method by which the meeting would be conducted, rules for voting and appealing decisions.

CALL TO ORDER

CONSENT ITEMS

VARIANCES:

1. **2022 WILLIAMS AVENUE** – Albert Haynes, applicant; Request for minimum lot size variance from 8,400 square feet to 5,902 square feet for an existing nonconforming lot in the R-1 (Single-Family Dwelling District); Located at the northwest corner of Williams Avenue and W. 22nd Street; (BV2003-180).
District 5 – McLain
Kathy Fall, Senior Planner

(THIS ITEM WAS APPROVED ADMINISTRATIVELY)

2. **EVELYN ST (LOTS 66-68)** – James Goplen, applicant; Request for rear yard setback variance from 30 feet to 0 feet for a proposed single-family home in the R-1 (Single-Family Dwelling District); Located at the southwest corner of Evelyn Street and Nolan Road; (BV2003-166).
District 5 – McLain
Kathy Fall, Senior Planner

3. **303 EAST CRYSTAL DRIVE** – Andy Thomas, applicant; Request for (1) (north) side yard setback variance from 10 feet to 8.1 feet; and (2) (south) side yard setback variance from 10 feet to 7.7 feet for an existing home in the R-1AA (Single-Family Dwelling District); Located on the east side of East Crystal Drive approximately 500 feet south of the intersection of East Crystal Drive and Lake Boulevard (BV2003-175).
District 5 – McLain
Kathy Fall, Senior Planner

(THIS ITEM WAS APPROVED ADMINISTRATIVELY)

4. **199 E. SR 436** – Melisa Christmas, applicant; Request for variance from the minimum separation required between ground signs on the same parcel from 300 feet to 175 feet in the C-2 (Retail Commercial District); Located on the southwest corner of the intersection of S.R. 436 and Oxford Road; (BV2003-182).

District 4 – Henley

Francisco Torregrosa, Planner

5. **2616 WELLS AVENUE** – Francisco Denis, applicant; Request for minimum width at the building line variance from 75 feet to 70 feet for an existing non-conforming lot in the R-1A (Single-Family Dwelling District); Located on the west side of Wells Avenue, approximately 400 feet northeast of the intersection of Wells Avenue and Prairie Lake Drive; (BV2003-169).

District 4 – Henley

Francisco Torregrosa

(THIS ITEM WAS APPROVED ADMINISTRATIVELY)

6. **19 SOUTH STONE GATE** – Mike Pinnock, applicant; Request for (1) front yard setback variance from 35 feet to 32 feet for an existing home; and (2) (west) side yard setback variance from 20 feet to 19.7 feet for an existing home in the RC-1 (Country Homes District); Located on the north side of South Stone Gate, approximately 610 feet west of the intersection of South Stone Gate and Quail Run; (BV2003-187).

District 5 – McLain

Rich Steiger, Planner

(THIS ITEM WAS APPROVED ADMINISTRATIVELY)

MOBILE HOME SPECIAL EXCEPTIONS:

7. **EAST OSCEOLA ROAD** – Kevin Irwin, applicant; Request for special exception for the permanent placement of a mobile home in the A-5 (Rural Zoning Classification District); Located on the south side of Osceola Road, approximately 640 feet west of the intersection of East Osceola Road and Settlers Loop; (BM2003-025).

District 2 – Morris

Rich Steiger, Planner

(THIS ITEM WAS WITHDRAWN BY REQUEST OF THE APPLICANT)

9. **2527 DWYER LANE** – David Zeidwig, applicant; Request for rear yard setback variance from 20 feet to 13 feet for a proposed covered screened room in the PUD (Planned Unit Development District); Located on the east side of Dwyer Lane, approximately 250 feet southeast of the intersection of Dwyer Lane & Brightview Drive; (BV2003-172).

District 5 – McLain

Kathy Fall, Senior Planner

13. **WEST 6th STREET (CHULUOTA)** – Gayle Marion, applicant; Request for (1) minimum width at the building line variance from 75 feet to 62 feet; and (2) (west) side yard setback variance from 10 feet to 5 feet; and (3) (east) side yard setback variance from 10 feet to 5 feet for proposed duplex in the R-2 (One and Two-Family Dwelling District); Located on the south side of West 6th street and approximately 209 feet east of the intersection of west 6th street and Langford drive. (BV2003-179).

District 1 – Maloy

Rich Steiger, Planner

Mr. Bushrui made a motion to approve the Consent Agenda including, Items 2, 4, 9, and 13.

Mr. Bass seconded the motion.

The motion was passed by unanimous consent (4-0).

CONTINUED ITEMS

SPECIAL EXCEPTIONS:

8. **HUNTERFIELD ROAD (CASSELBERRY)** – City of Casselberry / Bill Goucher, applicant; Request for Special Exception to replace an existing water treatment plant in the R-1A (Single-Family Dwelling District); Located on the north side of Hunterfield Road, approximately 200 feet west of the intersection of Hunterfield Road and Oxford Road; (BS2003-027).

District 4 – Henley

Kathy Fall, Senior Planner

Mr. Bass made a motion to continue Item 8 to the January 26, 2004 meeting, as requested by the applicant.

Mr. Rozon seconded the motion.

The motion passed by unanimous consent (4-0).

PUBLIC HEARING ITEMS

VARIANCES:

- 10. 117 TOLLGATE TRAIL** – Craig Clark, applicant; Request for (1) rear yard setback variance from 30 feet to 20 feet for a proposed addition; and (2) minimum lot size variance from 11,700 square feet to 11,303 square feet in the R-1AA (Single-Family Dwelling District); Located on the west side of Tollgate Trail, approximately 600 feet north of the intersection of State Road 434 and Tollgate Trail; (BV2003-167).

District 4 – Henley

Kathy Fall, Senior Planner

Kathy Fall introduced the location of the application and stated that staff recommended denial of a (1) rear yard setback variance from 30 feet to 20 feet for a proposed addition, since the criteria for granting of a variance had not been satisfied. She further stated that staff recommended approval of a (2) minimum lot size variance from 11,700 square feet to 11,303 square feet.

Craig Clark stated that his house had one of the smallest floor plans in the neighborhood and he would like to put a larger family room on the rear of the property. He further stated that the addition would allow his house to be consistent with other homes in the neighborhood.

Mr. Rozon made a motion to approve the request.

Mr. Bushrui seconded the motion.

The motion passed by unanimous consent (4-0).

- 11. 5343 N. ORANGE AVENUE** – Barbara Sheridan, applicant; request for rear yard setback variance from 30 feet to 8 feet for a proposed shed in the R-1 (Single-Family Dwelling District); Located on the east side of Orange Avenue, approximately 375 feet south of the intersection of Orange Avenue and Grove Avenue; (BV2003-165).

District 1 – Maloy

Kent Cichon, Financial Manager

Kent Cichon introduced the location of the application and stated that the criteria for the granting of a variance had not been satisfied. He further stated that staff recommended denial of the request, unless the applicant could demonstrate a hardship.

Barbara Sheridan stated that she had recently gotten married and that she needed the shed for storage. She further stated she had already purchased the shed and it was her

intent to maintain the integrity of the neighborhood. She also stated that she had a letter of approval from 7 neighbors.

Debra Skipper stated that she has been Barbara Sheridan's neighbor for 7 years, and that all the homes have privacy fences. She further stated that she didn't have a problem with the proposed shed.

Mr. Bass made a motion to approve a 20 foot rear yard setback variance, instead of the requested 8 foot variance.

Mr. Rozon seconded the motion.

The motion passed by unanimous consent (4-0).

- 12. 3493 PREMIER DRIVE** – Alan & Linda Coto, applicants; Request for side yard setback variance from 10 feet to 2 feet for an existing shed in the R-1AA (Single-Family Dwelling District); Located on the north side of Premier Street, approximately 330 feet east of the intersection of Jericho Drive and Premier Street; (BV2003-174).
District 1 – Maloy
Rich Steiger, Planner

Rich Steiger introduced the location of the application and stated that the criteria for the granting of a variance had not been satisfied. He also stated that staff recommended denial of the request, unless the applicant could demonstrate a hardship.

Alan Coto stated that the shed was built when he bought the house in 1990. He also stated that the shed had been there for 6 years without complaints from neighbors. He further stated that a Code Enforcement Officer had visited his house to inform him about the need for a side yard setback variance.

Madeline Olander spoke in opposition to the request, stating that she informed Code Enforcement. She also stated that there was an unpainted side of the shed that faced her back porch. She further stated that the shed was an eyesore and its portability should ensure its removal to a compliant location.

Alan Coto stated that he moved into the neighborhood not looking to cause any problems. He also stated that he had kept his property up to the best of his ability. He further stated that he was sorry that he did not meet the standards. Lastly, he stated that even a portable shed would be costly to move.

Mr. Rozon made a motion to deny the request.

Mr. Bushrui seconded the motion.

The motion passed by unanimous consent (4-0).

- 14. 413 EAST OSCEOLA ROAD** – Michelle & Landon Thomas, applicants; Request for front yard setback variance from 100 feet to 61 feet for an existing accessory building that projects beyond the front building line of the main residence in the A-5 (Rural Zoning Classification District); Located on the east side of East Osceola Road, approximately 450 feet north of the intersection of East Osceola Road and Shawnee Trail; (BV2003-181).
District 2 - Morris
Rich Steiger, Planner

Rich Steiger introduced the location of the application and stated that the criteria for the granting of a variance had not been satisfied. He also stated that staff recommended denial of the request, unless the applicant could demonstrate a hardship.

Landon Thomas stated that the only thing that existed from the 1972 mobile home was the floor and inside walls. He stated that a workshop and a sewing room has been made out of the building. He further stated that he totally gutted the mobile home, and eliminated power, water and sewer services in the building.

Mr. Bushrui made a motion to deny the request.

Mr. Bass seconded the motion.

The motion passed by unanimous consent (4-0).

- 15. 3589 JERICHO DRIVE** – Bill & Lisa Ann Harrison, applicants; Request for side yard setback variance from 10 feet to 3 feet for an existing moveable shed in the R-1AA (Single-Family Dwelling District); Located on the south side of Jericho Drive, approximately 141 feet east of the intersection of Jericho Road and Dahill Court; (BV2003-178).
District 1 – Maloy
Rich Steiger, Planner

Rich Steiger introduced the location of the application and stated that the criteria for the granting of a variance had not been satisfied. He further stated that staff recommended denial of the request, unless the applicant could demonstrate a hardship. He also stated that staff was E-Mailed letters of opposition.

Bill Harrison stated that he didn't have anywhere else to put the existing shed given the existing pool and tree encumbrances. He also stated that he had gotten approval from his Homeowners Association and his adjacent neighbor. He further stated that he appreciated his neighbors and he respected their opinions.

Mr. Bushrui made a motion to deny the request for a lack of a hardship.

Mr. Bass seconded the motion.

The motion passed by unanimous consent (4-0).

- 16. 185 JAY DRIVE** – Hector & Nancy Mendez, applicants; Request for (1) rear yard setback variance from 30 feet to 13 feet; and (2) side yard setback variance from 7.5 feet to 3 feet for an existing shed in the R-1 (Single-Family Dwelling District); Located on the west side of Jay Drive, approximately 200 feet north of the intersection of Jay Drive and Oak Drive; (BV2003-170).

District 3 – Van Der Weide

Francisco Torregrosa, Planner

Francisco Torregrosa introduced the location of the application and stated that the criteria for the granting of a variance had not been satisfied. He also stated that staff recommended denial of the request, unless the applicants could demonstrate a hardship. He further stated that shed was constructed without a building permit. He also stated that staff had received 2 letters in support and 2 letters in opposition of the request.

Nancy Mendez stated that she constructed the shed without a building permit, because she did not realize a permit was required. She also stated her daughter and her grand children moved in and the shed was needed for storage. She further stated that her neighbor next door didn't have a problem with the shed, which was partly hidden by a privacy fence to the rear.

Mr. Rozon made a motion to deny the request.

Mr. Bushrui seconded the motion.

The motion passed by unanimous consent (4-0).

- 17. 2827 CROTON ROAD** – John Czagas, applicant; Request for front yard setback variance from 25 feet to 12 feet for a proposed attached garage in the R-1A (Single-Family Dwelling District); Located on the northeast corner of the intersection of Croton Road and Floral Way; (BV2003-173).

District 3 – Van Der Weide

Francisco Torregrosa, Planner

Francisco Torregrosa introduced the location of the application and stated that the criteria for the granting of a variance had not been satisfied. He also stated that staff recommended denial of the request, unless the applicant could demonstrate a hardship.

John Czagas stated that he would like the board to grant his request for a proposed manufactured garage. He also stated that the road shown on the plot plan was no longer in existence.

Mr. Rozon made a motion to approve the request.

Mr. Bushrui seconded the motion.

The motion passed by unanimous consent (4-0).

- 18. 2662 DERBYSHIRE ROAD** – Edwin Berry, applicant; request for (1) rear yard setback variance from 30 feet to 21 feet for an existing nonconforming screen room; and (2) rear yard setback variance from 30 feet to 21 feet for a proposed addition to an existing nonconforming screen room in the R-1A (Single-Family Dwelling District); located on the south side of Derbyshire Road, approximately 300 feet east of the intersection of Derbyshire Road and Kewanee Trail; (BV2003-168).

District 4 – Henley

Francisco Torregrosa, Planner

Francisco Torregrosa introduced the location of the application and stated that the criteria for the granting of a variance had not been satisfied. He also stated the staff recommended denial of the request, unless the applicant could demonstrate a hardship.

Edwin Berry stated that the existing screen room was built when he purchased the house in 1977. He also stated that he'd attempted to repair the existing screen room, but the contractor had informed him that it didn't meet the setback requirements. He further stated that his wife had cancer and the Doctor had recommended a spa. He also stated that he put the spa on the patio and would like to protect it from the weather and enlarge the room. Lastly, he stated that he would like to tear down the room and build a new one.

Mr. Bushrui made a motion to approve the request.

Mr. Bass seconded the motion.

The motion passed by unanimous consent (4-0).

SPECIAL EXCEPTIONS:

- 19. 101 SOUTH US 17-92** – Tadd Kasbeer, applicant; Request for special exception to establish a mechanical garage in the C-2 (Retail Commercial District); Located on the southeast corner of the intersection of US 17-92 and State Road 434; (BS2003-028).

District 2 – Morris

Kathy Fall, Senior Planner

Kathy Fall introduced the location of the application and stated that staff recommended approval of the special exception request with the imposition of the following conditions: (1) Automotive work shall include mechanical repairs and service. (2) Paint and body repair shall be prohibited. (3) All Automotive work shall be conducted within the enclosed principal building. (4) The outdoor storage of vehicles and or service equipment shall be prohibited. (5) The proposed use shall be in conformity with the Seminole County Comprehensive Plan and Land Development Code.

Tadd Kasbeer stated that he worked for Zebco & Associates, an Engineering firm, representing the client, who is interested in purchasing the property. He also stated that his firm was researching permitted uses on the property before the purchase contract was completed.

Mr. Bass made a motion to approve the request with the conditions stated by staff.

Mr. Rozon seconded the motion.

Mr. Hattaway and Mr. Bushrui were in opposition and the vote was tied (2-2).

Mr. Bushrui made a motion to continue the item until the January 26, 2004 meeting, at which time the applicant is to provide the board with building elevations and conceptual renderings.

Mr. Rozon seconded the motion.

The motion passed by unanimous consent (4-0).

- 20. 1115 WEST S.R. 436 –** Chuck Colter, applicant; Request for special exception for the establishment of a mechanical garage in the C-2 (Retail Commercial District); Located on the northeast corner of the intersection of Jewel Drive and West SR 436; (BS2003-029).
District 3 – Van Der Weide
Francisco Torregrosa, Planner

Francisco Torregrosa introduced the location of the application and stated that staff recommended approval of the special exception request with the imposition of the following conditions, (1) Automotive work shall include mechanical repairs and service. (2) Paint and body repair shall be prohibited, (3) All Automotive work shall be conducted within the enclosed principal building, (4) The outdoor storage of vehicles and or service equipment shall be prohibited, (5) The existing building shall comply with the commercial building code, (6) The proposed use shall be in conformity with the Seminole County Comprehensive Plan and Land Development Code.

Chuck Colter, owner of Super Street Performance Auto & Accessories, stated that he planned to lease the building for the purpose of installing high performance parts on his

customer's cars. He also stated that his company would install the parts that the customer purchased from his store. He further stated that no loud noises would be generated to impact surrounding development.

John Walters, owner of Asalp Auto Repair stated that there is a problem with the drainage from the proposed building; the water drains back to his building. He further stated that if anything spilled on the ground from the tent it would run off into his property. He also stated that the subject property had only ten parking spaces for the three businesses in that area.

Isaac Gonzalez stated that he owned Lopateto, the restaurant next door to the proposed business. He stated that the tent was high and his building was low, when it rained the water comes into his building.

Roberto Morales stated that he was the former owner of Lopateto and was concerned about any chemicals that would be used in the proposed facility. He also stated that chemicals could come over to the kitchen of the restaurant.

Chuck Culter stated that the drainage issues had been taken care of last year, before the tent was put up. He also stated that the inside of the tent was completely dry during the hardest rain. He further stated that there is a retention pond and ditch outside of the tent to catch the water when it rains. Lastly he stated that he planned to put a different roof on the building and make other improvements to come into compliance with the Land Development and Building Code.

Mr. Bass made a motion to approve the request.

The motion died for a lack of a second.

Mr. Bushrui made a motion to approve the request with the conditions of staff, and the hours of operations included in the conditions.

The motion died for a lack of a second.

Mr. Rozon made a motion to deny the request.

Mike Hattaway seconded the motion.

Mr. Bass and Mr. Bushrui were in opposition and the vote was tied (2-2).

Mr. Bass made a motion to continue the item until the January 26, 2004 meeting.

Mr. Bushrui seconded the motion.

The motion passed by unanimous consent (4-0).

APPROVAL OF MINUTES

The minutes will be approved at the January 26, 2004 meeting.

APPROVAL OF 2004 BOA REGULAR MEETING SCHEDULE

Mr. Bushrui made a motion to approve the 2004 regular meeting schedule.

Mr. Bass seconded the motion.

The motion passed by unanimous consent (4-0).

ADJOURNMENT

Time of Adjournment was 9:45 P.M.